



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

County Counsel  
Chief Administrative Officer  
Director of Health Services  
Director of Personnel

At its meeting held August 30, 2005, the Board took the following action:

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Raymond G. Fortner, Jr. made a verbal presentation on liability issues and parameters related to employment references for physicians at Martin Luther King, Jr./ Drew Medical Center who were discharged or resigned in lieu of discharge.

Dr. Genevieve Clavreul addressed the Board.

After discussion, Supervisor Antonovich made the following statement:

“County Counsel reported that Los Angeles County does not have the authority to refuse an employee’s resignation when the employee’s discharge is being considered or processed. However, under Section 35 of the County Charter, Civil Service Rules amendments to existing rules affecting employee working conditions, such as Rule 18.09, can be negotiated with the employees’ collective bargaining unit.

“As it relates to reporting information to prospective employers of former County employees who are discharged or resigned in lieu of being discharged, there is no requirement to provide any information about a former County employee in response to a request from a prospective employer. If the Board concludes that information is to be provided regarding former Department employees, an administrative process can be established to ensure that any information provided is truthful and complete, to limit any risk of liability to the County.

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“With respect to medical professionals, various State and Federal laws require reports to licensing and regulatory agencies in circumstances generally relating to clinical competency, patient safety or delivery of patient care. Reports or complaints of unprofessional or other inappropriate conduct by a medical professional may and, in some circumstances, must be filed with certain agencies. Based on County Counsel’s advice, the Department of Health Services has determined that there is a legal basis to file complaints or reports with the Medical Board of California and, in some cases, with other agencies. The Department has advised that it will be take corrective action to ensure that appropriate reports are made and that the Medical Directors at all County hospitals are aware of the rules governing mandatory and discretionary reporting. It is essential that appropriate processes are established to address all issues regarding disclosure of employment history and agency reporting of former County employees.”

Therefore, on motion of Supervisor Antonovich, seconded by Supervisor Knabe, duly carried by the following vote: Ayes: Supervisors Yaroslavsky, Knabe and Antonovich; Noes: None; Abstentions: Supervisor Burke (Supervisor Molina being absent), the County Counsel was directed to work in collaboration with the Director of Health Services, and the Director of Personnel, and report back to the Board within 45 days on:

1. Discussion with the Chief Administrative Office’s Employee Relations and collective bargaining units about the potential of amending existing County rules affecting employee working conditions in the event an employee decides to resign when the employee’s discharge is being considered or processed for all County departments, including changes in County rules for nonrepresented positions;
2. Development of an implementation plan with timelines on the creation of an administrative process to provide any information about a former County employee who has been discharged or has resigned in lieu of discharge in response to requests from a prospective employer;
3. To ensure that the appropriate reports are made and that the Medical Directors at all County hospitals are aware of the rules governing mandatory and discretionary reporting; and

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4. Implementation of steps to allow the hospital medical staffs to consider restricting or revoking clinical staff privileges for ethical breaches or other causes not directly impacting care or the delivery of services.

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